

FILED

**In the United States District Court  
for the Eastern District of Virginia  
Alexandria Division**

2010 JUN -8 P 4: 56  
CLERK US DISTRICT COURT  
ALEXANDRIA, VIRGINIA

Damond J. Wilson  
3825 North 5<sup>th</sup> Street  
Arlington, VA 22203  
(540) 327-3348

v.

Civil Action No. 1:10CV636  
CMH/JFA

United Parcel Services, Inc.  
5601 Eisenhower Avenue  
Alexandria, VA 22304  
(703) 823-4935

**COMPLAINT**

1. UPS is a corporation organized and existing under the laws of the State of Virginia, and has its principal office in Atlanta, Georgia. UPS distributes small packages in interstate commerce and is an employer in an industry affecting commerce
2. The defendant violated federal law when they discriminated against me and later terminated my employment with them. I spoke out to a member of management about an unsafe work assignment that he ordered a coworker to complete. After filing a charge of racial discrimination with the EEOC the defendant later began to create a hostile work environment by retaliating and harassing me almost daily. Defendants actions in harassing me by verbal assaults on my character, subjecting me to random audits, high number of ride a longs, and personal surveillance from the manager while in his personal vehicle.
3. On December 3<sup>rd</sup> 2007 the defendant via their supervisor demanded that a coworker who was working under my supervision to deliver Christmas delivery packages on foot in an unfamiliar neighborhood at night alone. This was a direct violation of the defendant's own company policy. Once the violation was brought to the managers attention he became upset with me for pointing out the unsafe work assignment and began to make threats aimed at the both of us. He would later go on to scream and shout about how "he is UPS" and that "I work for him" and "what he says goes". He later would toss a package from one side of the truck to the other and demanded that I "play fetch" like a dog and retrieve the package. Since I refused to "play fetch" he stated that I was refusing to do my job.
4. On December 4<sup>th</sup> 2007 I was terminated at work in front of my coworkers while members of management defamed my character and slandered my name for what defendant states was refusing to do my job. I was promptly escorted off the premises as if I was a common crook. Defendant claims that its workers safety is of their utmost concern but when it came to actually

practicing what they preach they fail horribly short. I was terminated for exercising the right that defendant company policy states every employee has and for doing so I was singled out. These actions were wrong and unjust because company policy states that I was well within my rights to point out safety issues.

5. Under The Collective Bargaining Agreement (CBA), UPS may immediately terminate an employee only if he or she commits a "cardinal infraction". A cardinal infraction is defined as "dishonesty", "drinking alcoholic beverages during the workday", use or possession of illegal drugs while on duty", "recklessness resulting in serious accident while on duty", or "the carrying of unauthorized passengers while on the job". If a UPS employee commits a transgression less severe than a cardinal infraction, the CBA requires the company to impose progressive discipline in the form of at least one warning before termination. Those steps were not taking as the defendant rushed to terminate me albeit in a very public form. Federal law OSHA states under the recognition clause that you are obligated to report unsafe work assignments. Federal law super cedes both company policy and the CBA and should be enforced. I reported the harassment and retaliation to members of management and nothing was done. I even wrote a letter to the CEO of the company to express my feelings and to inform him of what had taken place but still nothing was ever done.
6. Shortly after my wrongful termination my signature was forged on a document which basically gave authorization for my wages to be deducted for an undisclosed amount for a donation to the United Way Foundation. Every year defendant raises money for the foundation by asking employees to donate to the cause. Every UPS building basically has a competition to see which building will bring in the most funds and at the conclusion the winning building manager wins a monetary prize for doing so. I didn't give authorization for any donation because I was terminated and I reported it to the UPS payroll department who stated that they would do an investigation. Payroll notified my center manager who never spoke to me about the situation because she was the one who forged my name. As of this date nothing has been done about the managers actions.
7. Not only did this member of management violate company policy but he was aided in doing so by other members of management. As of date no disciplinary actions have been taken against any member of management for violating their own company policy. This member of management has been a problem at every UPS location he has been at leaving a trail of grievances filed against him. The defendant is well aware that he is a problem but have elected to sit idle and allow him to continue his plight of madness.
8. As a result of defendant's actions acting in bad faith by wrongfully terminating my employment, defaming my character, slandering my name, harassment and retaliation I have suffered and will continue to suffer financial hardship, severe emotional and mental distress, loss of wages and benefits and lose of employment opportunities and career advancement.
9. Further, defendant breached the CBA by, among other things, failing to follow its own procedures and terminating me without just cause.

WHEREFORE, I demand judgment against the defendant and prays:

That this Court direct defendant to take such affirmative action as is necessary to ensure that

the effects of its unlawful actions are eliminated and do not continued to effect current and future employees;

That this Court order defendant to pay Mr. Wilson back pay, front pay and other compensation to date;

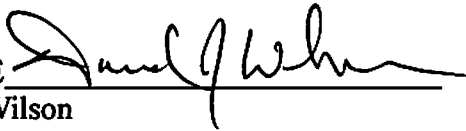
That this Court award Mr. Wilson nominal, general, and compensatory damages in the of \$3,000,000; punitive damages in the amount of \$12,000,000; and reasonable front pay;

That this Court award Mr. Wilson reasonable attorney's fees and other costs of this action;

That the costs of this action be taxed against the defendant and

That this Court award Mr. Wilson such other and further relief as may be deemed just and equitable

SIGNATURE

A handwritten signature in black ink, appearing to read "Damond J. Wilson", written over a horizontal line.

Damond J. Wilson  
3825 North 5<sup>th</sup> Street  
Arlington, VA 22203  
(540) 327-3348

EEOC Form 161 (11/09)

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## DISMISSAL AND NOTICE OF RIGHTS

To: **Damond J. Wilson**  
 3825 N. 5th Street, Apt. #2  
 Arlington, VA 22203

From: **Washington Field Office**  
 131 M Street, N.E.  
 Suite 4NW02F  
 Washington, DC 20507

☐

On behalf of person(s) aggrieved whose identity is  
 CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

570-2008-01408

**David Gonzalez,**  
 State & Local Coordinator

(202) 419-0714

## THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☐

The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

☒

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

Other (briefly state)

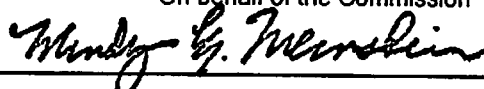
## - NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

On behalf of the Commission



Mindy E. Weinstein,  
 Acting Director

MAR 08 2010

(Date Mailed)

Enclosures(s)

cc: **UNITED PARCEL SERVICES, INC.**  
 5601 Eisenhower Avenue  
 Alexandria, VA 22304